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10/564,177	05/15/2006	Joachim Hagmeier	DE920030011US1	7861
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3039 CORNWA		POPHAM, JEFFREY D		
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			2437	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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		Application No.	Applicant(s)			
Office Action Summary		10/564,177	HAGMEIER ET AL.			
		Examiner	Art Unit			
		JEFFREY D. POPHAM	2437			
Period fo	The MAILING DATE of this communication apor Reply	pears on the cover sheet with the o	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) 又	Responsive to communication(s) filed on 28.	lanuary 2009				
-		is action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
٠,١	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
4)⊠	Claim(s) 1,3-18 and 20 is/are pending in the a	application.				
,	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)□	5) Claim(s) is/are allowed.					
·	6)⊠ Claim(s) <u>1,3-18 and 20</u> is/are rejected.					
	Claim(s) is/are objected to.					
-	Claim(s) are subject to restriction and/	or election requirement.				
Applicat	ion Papers					
· · ·	•	or				
9) The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on 10 January 2006 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner.						
10/23						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
·	under 35 U.S.C. § 119	.xammor. Note the attached emec	7764611 61 1611111 1 76 762.			
	<u>-</u>		. (1)			
	2)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a)	a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
	application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
Attachmen	nt(s)					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application Other:						
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Remarks

Claims 1, 3-18, and 20 are pending.

Response to Arguments

1. Applicant's arguments filed 1/28/2009 have been fully considered but they are not persuasive.

Applicants "submit that the assertion in the Office Action that authentication information must be used in an authentication process is incorrect." This being the case, one will readily note that the authentication information need not be used for anything. Therefore, the authentication information is meaningless in the scope of claim 1, since it need not be used in any authentication procedure. If this is the case, as Applicant appears to be arguing in submitting that the statement that "authentication information must be used in an authentication process" in incorrect, one will see that the authentication information can be any value whatsoever, as "authentication information" is as broad as "information" when it is not used for any authentication. Furthermore, referring to this information as "authentication information" makes the scope of the claims unclear, as Applicant is stating that there is authentication information (which must be used in some form of authentication procedure, or it would not be called authentication information) which need not be used for authentication. If Applicant intends for the "authentication information" of the claims to not be used in any authentication process, the claims need to be amended to represent such. However, the

Examiner has reviewed the specification as originally filed and cannot find basis for authentication information sent from a client to a server that is not used in an authentication process. It is noted that using authentication information in an authentication process does not mean that the information is verified as authentic, but rather, that the information is merely used, somehow, in the authentication process. This use could be determining that the data is of an incorrect format or is not authentic and rejecting it, determining that the data is authentic, generating the data (such as generating a signature to be used in authentication), or the like.

Applicant argues that Maurin does not teach inserting authentication information into a cookie or a request header by the browser. As basis for this argument, Applicant states that Maurin teaches adding a certificate to a header by a machine other than the client computer. This may very well be the case, at least in some embodiments, but previous claim 5 does not refer to any "certificate". Previous claim 5 (and current claim 1) merely require that "authentication information" is inserted into the request header by a client's browser. This authentication information is much broader than a certificate. Authentication information could be a password, a user name, a certificate, a signature, a PIN, a challenge (or its corresponding response), personal information about a user, authentication algorithm information, authentication parameters, a cookie, or various other data that is within the broad scope of "authentication information". Therefore, one will see that "authentication

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information" need not be a certificate in the independent claims as they stand amended.

Paragraph 26 of Maurin, for example, teaches that "When a user reconnects to the site in question, the browser 5 sends the corresponding cookie to the server machine 2b in an HTTP request header. The server machine 2b uses the information in the cookie to configure itself based on the user 4 that is calling it. The information in question is for example a piece of personal information related to said user 4 such as a unique identifier, a response to a questionnaire that the user has filled out on the site visited, or a date and time at which certain pages have been read." This section clearly teaches the browser of the client sending a cookie to the server in an HTTP request header, such cookie comprising information that is personal to the user. This personal information is clearly "authentication information" as it is personal to the user and can be used to identify and authenticate the user's identity. Furthermore, Paragraph 24 describes that cookies are sent to the browser of the client machine for subsequent utilization. Paragraph 25 goes on to state that such cookies comprise "Cookie 1", "Cookie 2", and "% CERT". Therefore, the certificate is clearly provided to the client for subsequent utilization (such utilization has already been described with respect to paragraph 26). This clearly shows that, in at least one embodiment, Maurin teaches a browser of a client inserting a certificate into a request header.

Applicant also argues that Buch cannot be combined with Maurin since Buch uses a peer-to-peer environment, while Maurin uses a client-server

environment. First noted is that the instant application describes that a server may reside on a client. Page 7, paragraph 25, for example, recites "That component acts as a proxy server running on the same client 1 as the browser 2" with apparent reference to a signature component as "That". One will clearly see from this section of the instant application that a server is not inherently a computer or machine that is separate and distinct from clients, but could rather be a component of a client itself. Therefore, client-server communications could very well occur between a client and another client. Furthermore, Buch, paragraph 23, explicitly defines a SIP node as "a SIP application running on a computing device, which may operate as a SIP client or a server." As should now be clear, the SIP nodes of Buch can be clients and/or servers. Therefore, communication between two SIP nodes could come in the form of client-client, server-server, or client-server communications. For further clarification, one may merely view the next paragraph (24) of Buch, stating that "As defined in SIP, the SIP client 72 is also called a "user agent client" (UAC) as it creates a new request, and the SIP client 86 is also called a "user agent server" (UAS) as it generates a response 90 to a SIP request." As should be unambiguously clear, the requesting entity of Buch can be a client and the entity receiving the request can be a server.

Claim Objections

2. Claims 1, 3-11, 16-18, and 20 are objected to because of the following informalities:

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- Claim 1 recites inserting client authentication information into a request header "independently of an authentication process used by a server", which does not make sense. This objection has already been discussed in the response to arguments above, in that the scope of the claim is unclear due to this limitation. As opposed to copying the above into this section, reference is made to the first paragraph of the response to arguments section above. This is also the case for the claims that depend from claim 1, independent claims 8, 16, 20, and the claims that depend therefrom.

- Claim 10 refers to "said HTTP-request header", however, no HTTP-request header has been discussed previously in the claim or those from which it depends. For purposes of prior art rejection, "said HTTP-request header" has been construed as "an HTTP-request header".
 Claim 14 has the same issue.
- Claim 18 refers to "a client certificate containing a client name and a
 private key". However, this does not appear to have basis in the
 application as originally filed. While the certificate may contain a public
 key, it does not contain a private key.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 attempts to claim first receiving a request header from a client and then inserting authentication information into the request header using the client's browser. This cannot be, however, as the client must insert information into the request header before sending it. This issue stems from the fact that the claim was previously directed to a proxy setup, wherein the entity that would perform the method of claim 8 is a separate and distinct entity from the client. This is further shown in claim 9, stating that "said system can be a proxy server, a gateway, or a tunnel", showing that the system performing the method is not the client itself. It must be made clear in claim 8 that either the client or a proxy server is generating the request header (or inserting information into it), as it cannot be both as is currently stated. Claim 10 goes on to refer to the authentication information being inserted into the header by an insertion component. The insertion component of the instant application, however, is described as being a proxy or on a proxy and not part of the client. This entire set of claims is unclear in that the claims are directed to a method performed by a single device, wherein the device is multiple devices, which makes no sense. If Applicant intends for this set of claims to be directed to a method performed on a client, it must be clearly claimed such that there is no proxy performing any of the processing, and no sending of a header away from a device before the device

inserts information into the header. Claim 14 recites decrypting a header "with said public key using a hash algorithm resulting in a hash value". This makes no sense, as the decryption is <u>not</u> performed using a hash algorithm, but rather, the decryption is performed in order to decrypt a hash that was previously generated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1, 3-5, 8-9, 11-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurin (U.S. Patent Application Publication 2002/0133700) in view of Buch (U.S. Patent Application Publication 2003/0217165).

Regarding Claim 1,

Maurin discloses method for authenticating clients in a clientserver environment, wherein the client-server environment uses a communication protocol that allows extensions of a request header without violating the communication protocol, wherein the method comprises the steps of:

Generating a request header at a client computer (Paragraphs 18-26);

Inserting client authentication information into the request header at a client computer by a client browser, without violating HTTP protocol, resulting in an extended request header independently of an authentication process used by a server (Paragraphs 18-26); and

Sending the extended request header to the server (Paragraphs 18-26);

But does not explicitly disclose receiving information from the server if authentication has been successful or that the insertion is performed without the server requesting authentication information (though Maurin does appear as though it works this way).

Buch, however, discloses inserting client authentication information a request header at a client computer by a client browser without a server requesting authentication information, sending the extended header to the server, and receiving information from the server if authentication has been successful (Figures 6-7; and Paragraphs 44, 50, and 53-54). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the signature authentication system of Buch into the authentication system of Maurin in order to allow the system to verify authenticity of a client by both checking that the client is authenticated by a certificate that is certified by a

trusted authority and by a signature that can be produced only by the client's private key that corresponds to that client's certificate's public key, thereby providing additional proof in authentication and improving security of the system.

Regarding Claim 20,

Claim 20 is a computer program product claim that is broader than method claim 1 and is rejected for the same reasons. Regarding Claim 3,

Maurin as modified by Buch discloses the method of claim 1, in addition, Buch discloses that the authentication information is included in a first request header for establishing a session with the server (Figures 6-7; and Paragraphs 53-54).

Regarding Claim 4,

Maurin as modified by Buch discloses the method of claim 1, in addition, Maurin discloses that the authentication information comprises a client certificate containing a client name and a client public key (Paragraphs 18-28); and Buch discloses that the authentication information comprises a client certificate containing a client name and a client public key, and a digital signature which has been generated over a hash value of the request header including the client certificate using a client private key (Figures 6-7; and Paragraphs 26-27, 39, 44, and 53-54).

Regarding Claim 5,

Maurin as modified by Buch discloses the method of claim 1, in addition, Maurin discloses that the authentication information is automatically inserted into the request header by the client browser (Paragraphs 24-26).

Regarding Claim 8,

Maurin discloses method for authenticating clients in a clientserver environment, wherein the client-server environment uses a communication protocol that allows extensions of a request header without violating the communication protocol, wherein a system establishes communication between a client and a server, wherein the method comprises the steps of:

Receiving a request header from the client (Paragraphs 18-26 and 32);

Inserting authentication information into the request header at a client computer by a client browser, without violating HTTP protocol, resulting in an extended request header independently of an authentication process used by the server (Paragraphs 18-26 and 49-54); and

Sending the extended request header to the server (Paragraphs 18-26 and 49-54);

But does not explicitly disclose receiving information from the server if authentication has been successful or that the insertion is performed without the server requesting authentication

information (though Maurin does appear as though it works this way).

Buch, however, discloses inserting client authentication information a request header at a client computer by a client browser without a server requesting authentication information, sending the extended header to the server, and receiving information from the server if authentication has been successful (Figures 6-7; and Paragraphs 44, 50, and 53-54). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the signature authentication system of Buch into the authentication system of Maurin in order to allow the system to verify authenticity of a client by both checking that the client is authenticated by a certificate that is certified by a trusted authority and by a signature that can be produced only by the client's private key that corresponds to that client's certificate's public key, thereby providing additional proof in authentication and improving security of the system.

Regarding Claim 9,

Maurin as modified by Buch discloses the method of claim 8, in addition, Maurin discloses that the system can be a proxy server, a gateway, or a tunnel (Paragraphs 13, 18-26 and 49-54).

Regarding Claim 11,

Maurin as modified by Buch discloses the method of claim 8, in addition, Maurin discloses that the authentication information comprises a client certificate containing a client name and a client public key (Paragraphs 18-28); and Buch discloses that the authentication information comprises a client certificate containing a name and a public key of the client, and a digital signature which has been generated over the whole request header including the client certificate using a private key of the client (Figures 6-7; and Paragraphs 26-27, 39, 44, and 53-54).

Regarding Claim 12,

Maurin discloses a method for authenticating clients in a client-server environment, wherein the client-server environment uses a communication protocol that allows extensions of a request header without violating the communication protocol, wherein at a server side the method comprises the steps of:

Receiving a client request header generated at a client computer, the request header containing authentication information inserted into the request header by the client computer at a client browser, without violating HTTP protocol (Paragraphs 18-26); and

Validating the authentication information contained in the request header by a server authentication component (Paragraphs 5 and 28);

But does not explicitly disclose providing information to a client if authentication has been successful.

Buch, however, discloses validating authentication information received in a request header and providing information to a client, if an authentication has been successful (Figures 6-7; and Paragraphs 44, 50, and 53-54). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the signature authentication system of Buch into the authentication system of Maurin in order to allow the system to verify authenticity of a client by both checking that the client is authenticated by a certificate that is certified by a trusted authority and by a signature that can be produced only by the client's private key that corresponds to that client's certificate's public key, thereby providing additional proof in authentication and improving security of the system.

Regarding Claim 13,

Maurin as modified by Buch discloses the method of claim
12, in addition, Maurin discloses that the authentication information
comprises a client certificate containing a name and a public key of
the client (Paragraphs 18-28); and Buch discloses that the
authentication information comprises a client certificate containing a
name and a public key of the client, and a digital signature which
has been generated over the whole request header content using a

private key (Figures 6-7; and Paragraphs 26-27, 39, 44, and 53-54).

Regarding Claim 14,

Maurin as modified by Buch discloses the method of claim
12, in addition, Maurin discloses that the request header is an
HTTP-request header (Paragraphs 18-26); and Buch discloses that
the server authentication component performs the steps of:

Accessing a public key contained in a client certificate (Paragraphs 18-28);

Decrypting a digital signature contained in a request header with the public key using a hash algorithm resulting in a hash value (Paragraphs 18-28);

Applying the same hash algorithm as used by the client to the request header (Paragraphs 18-28); and

Considering authentication as successful if both hash values match (Paragraphs 18-28).

Regarding Claim 15,

Maurin discloses server system for authenticating clients in a client-server environment, wherein the client-server environment uses a communication protocol that allows extensions of a request header without violating the communication protocol, wherein a client provides authentication information in the request header to a server system, wherein the server system comprising:

A server machine configured to receive the request header (Figure 1);

An authentication component to operate on the server machine and with functionality to read the authentication information contained in the request header, and to validate the authentication information (Paragraphs 5 and 18-28);

Wherein the request header is generated by the client and the authentication information is inserted into the request header at the client by a client browser, without violating HTTP protocol (Paragraphs 18-28);

But does not explicitly disclose not requesting authentication information (though Maurin does appear as though it works this way).

Buch, however, discloses that the client request header was sent with authentication information contained therein without the server having requested the authentication information from the client (Figures 6-7; and Paragraphs 44, 50, and 53-54). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the signature authentication system of Buch into the authentication system of Maurin in order to allow the system to verify authenticity of a client by both checking that the client is authenticated by a certificate that is certified by a trusted authority and by a signature that can be produced only by

the client's private key that corresponds to that client's certificate's public key, thereby providing additional proof in authentication and improving security of the system.

Regarding Claim 16,

Maurin discloses client system to be authenticated by a server system in a client-server environment, wherein the client-server environment uses a communication protocol that allows extensions of a request header without violating the communication protocol, wherein the client system comprises:

A browser operating on a client computer (Paragraphs 18-26); and

A component operating on the browser for inserting client authentication information into the request header independently of an authentication process used by the server and, without violating HTTP protocol (Paragraphs 18-26);

But does not explicitly disclose that insertion is performed without the server requesting authentication information (though Maurin does appear as though it works this way).

Buch, however, discloses inserting client authentication information into a request header without a server requesting authentication information (Figures 6-7; and paragraphs 44, 50, and 53-54).). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the signature

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authentication system of Buch into the authentication system of Maurin in order to allow the system to verify authenticity of a client by both checking that the client is authenticated by a certificate that is certified by a trusted authority and by a signature that can be produced only by the client's private key that corresponds to that client's certificate's public key, thereby providing additional proof in authentication and improving security of the system.

Regarding Claim 17,

Maurin as modified by Buch discloses the client system of claim 16, in addition, Maurin discloses that the authentication information comprises a client certificate containing a name and a public key of the client (Paragraphs 18-28); and Buch discloses that the authentication information comprises a client certificate containing a name and a public key of the client, and a digital signature which has been generated over a hash value of the request header content using a private key of the client (Figures 6-7; and Paragraphs 26-27, 39, 44, and 53-54).

5. Claims 6-7, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurin in view of Buch, further in view of Bishop (U.S. Patent 7,343,351).

Regarding Claim 6,

Maurin as modified by Buch does not explicitly disclose that the client browser receives the authentication information from a smart card via a smart card reader.

Bishop, however, discloses that the client browser receives the authentication information from a smart card via a smart card reader (Column 17, lines 27-64). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card of Bishop into the authentication system of Maurin as modified by Buch in order to provide a secure smart card that is dedicated to security procedures in order to sign data and create authentication information, thereby increasing security by making it more difficult for a malicious entity to steal data from such a secure smart card.

Regarding Claim 7,

Maurin as modified by Buch discloses the method of claim 1, in addition, Maurin discloses that the authentication information is automatically inserted into the request header (Paragraphs 18-26); but does not explicitly disclose that the authentication information is received from a smart card via a smart card reader.

Bishop, however, discloses that the authentication information is received from a smart card via a smart card reader (Column 17, lines 27-64). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

incorporate the smart card of Bishop into the authentication system of Maurin as modified by Buch in order to provide a secure smart card that is dedicated to security procedures in order to sign data and create authentication information, thereby increasing security by making it more difficult for a malicious entity to steal data from such a secure smart card.

Regarding Claim 10,

Maurin as modified by Buch discloses the method of claim 8, in addition, Maurin discloses that the authentication information is automatically inserted into an HTTP-request header by an insertion component (Paragraphs 18-26); but does not explicitly disclose that the authentication information is received from a signature component.

Bishop, however, discloses that the authentication information is received from a signature component (Column 17, lines 27-64). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card of Bishop into the authentication system of Maurin as modified by Buch in order to provide a secure smart card that is dedicated to security procedures in order to sign data and create authentication information, thereby increasing security by making it more difficult for a malicious entity to steal data from such a secure smart card.

Regarding Claim 18,

Maurin as modified by Buch does not explicitly disclose a smart card reader; and a smart card with a security module containing a private key of the client and a client certificate containing a client name and a private key, wherein the smart card provides the client certificate together with a digital signature to an inserting component, wherein the digital signature is the result of an encryption of a hash value of the request header containing the client certificate by means of the private key.

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Bishop, however, discloses a smart card reader; and a smart card with a security module containing a private key of the client and a client certificate containing a client name and a private key, wherein the smart card provides the client certificate together with a digital signature to an inserting component, wherein the digital signature is the result of an encryption of a hash value of the request header containing the client certificate by means of the private key (Column 17, lines 27-64). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card of Bishop into the authentication system of Maurin as modified by Buch in order to provide a secure smart card that is dedicated to security procedures in order to sign data and create authentication information, thereby increasing security by making it more difficult for a malicious entity to steal data from such a secure smart card.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Jeffrey D Popham Examiner Art Unit 2437

/Jeffrey D Popham/ Examiner, Art Unit 2437

/Emmanuel L. Moise/ Supervisory Patent Examiner, Art Unit 2437